

Fisherville Terrace - Notice of Project Change

1 message

Paul Cusson <paul@delphicassociates.com>

Wed, Dec 15, 2021 at 4:39 PM

To: Katrina Koshivos <koshivosk@graffon-ma.gov>

Cc: Muneer Ahmed <muneeruddin.ahmed@yahoo.com>, Daniel C Hill <dhill@danhilllaw.com>, Heidi <heidi@delphicassociates.com>



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December 15, 2021

RECEIVED

DEC 16 2021

Zoning Board of Appeals

Town of Grafton

Zoning Board of Appeals

30 Providence Road

Grafton, Ma 01519

Attn: Brian Waller, Chairman

RECEIVED TOWN CLERK
GRAFTON, MA
2021 DEC 16 AM 10:09

NOTICE OF PROJECT CHANGE – 760 CMR 56.05(II)

Fisherville Terrace LLC - Comprehensive Permit Dated November 18, 2010

Subsequently modified on or about: November 12, 2020

Dear Chairman Waller,

On behalf of our Client, Mr. Muneeruddin Ahmed, Managing Member of Fishersville Terrace LLC we are hereby submitting the "Notice of Project Change"

pursuant to 760 CMR 56.05 (11).

A Comprehensive Permit (the "Permit") in accordance to MGL 40 B was issued to Fisherville Terrace LLC on November 18, 2010 and recorded in the Worcester

Registry of Deed on June 22, 2017, in Book 5730 Page 160. The Permit was subsequently modified on or about December 21, 2020 and recorded in the Worcester Registry of Deeds in Book 64035 page 168.

BACKGROUND

There appears to be differences of opinion regarding the interpretation and intent of the Zoning Board of Appeals (the "ZBA") decision specifically regarding Condition Number C.8 of the Permit.

Presently condition C.8 of the Permit reads as follows:

***C.8 Hours- Site Clearing or construction work shall not occur before 7.00 AM or
or after 5.00 PM Monday- Friday, and shall not occur at all on Sundays or Federal
and Massachusetts state holidays. On Saturdays, construction shall be limited to
7.00 AM – 5.00 PM, provided that no blasting shall be allowed, and no heavy
Equipment or loud machinery shall be used after 3.00 PM. Blasting shall not be
Permitted after 5.00 PAM or before 9.00 AM on any day of the week. Materials
and equipment deliveries may occur only between the hours of 7.00 AM and 5.00
PM Monday-Friday and 7.00 and 3.00 PM Saturdays. No deliveries may be
Occur on Sundays or federal or Massachusetts state holidays. No vehicles shall
Arrive at the site earlier than 7.00 AM on Monday-Friday or 7.00 AM on
Saturday.***

I and my client understand and appreciate the intent of the board to control loud noises to the detriment of the neighbors enjoying their peace a quite. However, certain town officials have interpreted

this condition to the point that when private vehicles arriving at the site at 6:58 to be a violation of the permit.

Furthermore, we do not believe the intent of this condition to prevent working on the inside of the homes being constructed, such as but not limited to electrical, plumbing, insulation, finish carpentry

etc., to abide by the hours of operation of Condition C.8

Clearly this condition was intended to eliminate the noise caused by heavy equipment, such as bulldozers, lumber deliveries etc. Therefore, the details of the Notice of Project Change is as follows:

**The applicant hereby request the board to make the following changes in
accordance with 760 CMR 56.05(11)**

- That Paragraph C.8 of section V of the permit be eliminate in its entirety, and replaced with the following:

C.8

HOURS OF OPERATION

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ROAD WAY INFRASTRUCTURE

The construction of the Road way Infrastructure, consisting of drainage detention and sidewalks, if any and including hauling in or out of fill materials, shall not occur before

7 AM or after 6.00 PM Monday- Friday, and Saturdays, between the hours of 7.00 AM – 5.00 PM. Furthermore, no construction shall occur at all on Sundays or Federal

and Massachusetts state holidays, unless previously approved by the board or its representative.

BLASTING

Shall not be permitted after 4.00 PM or before 9.00 AM on any day of the week.

DELIVERIES

Materials and equipment deliveries may occur only between the hours of 7.00 AM and 5.00 PM Monday- Friday and 7.00 and 3.00 PM Saturdays. No deliveries may be

Occur on Sundays or federal or Massachusetts state holidays.

HOUSE CONSTRUCTION EXTERIOR

The construction of the exterior of the homes such as Excavation, Foundations, Framing, Siding and Roofing shall not occur before 7 AM or after 5.00 PM Monday- Friday,

and Saturdays, between the hours of 7.00 AM – 6.00 PM. Furthermore, no construction shall occur at all on Sundays or Federal and Massachusetts state holidays.

HOUSE CONSTRUCTION INTERIOR

Notwithstanding the foregoing, interior construction that doesn't generate excessive noise including but not limited to electrical, plumbing, insulation, finish carpentry etc.,

may occur before 6 AM or after 7.00 PM.

Pursuant to 760 CMR 56.05 (II) the Board is required to determine whether the proposed change are substantial or insubstantial within twenty (20) days of the receipt of this request.

However, my client has agreed to extend the period by which the board must determine the change substantial or insubstantial to the ZBA Board's first scheduled meeting in January of 2022.

We believe the proposed changes to be insubstantial.

Respectfully submitted on behalf of my client, Fisherville Terrace LLC



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